

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-22-726-R
)	
SCOTT CROW,)	
)	
Respondent.)	

ORDER

Petitioner filed this action on August 22, 2022, seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1). The case was originally referred to United States Magistrate Judge Amanda Maxfield Green for preliminary review. The Court hereby withdraws the reference and dismisses this case for lack of jurisdiction as second or successive.

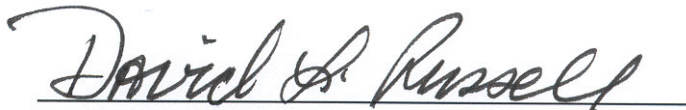
Petitioner returns to this Court seeking to once again challenge his March 30, 2011 conviction in the District Court of Oklahoma County, Case No CF-2010-7695, for which he is serving life. Mr. Morgan is well known to the undersigned, have attempted via various writs and actions to challenge his conviction. He has unsuccessfully sought leave from the United States Court of Appeals for the Tenth Circuit to file a successive § 2254 petition challenging his conviction on three occasions as required by 28 U.S.C. § 2244(b)(3). *See In re David Brian Morgan*, No. 20-6123 (10th Cir. Sept. 18, 2020). At this juncture Mr. Morgan should be well aware that he cannot proceed in this Court without the necessary authorization, which he has not obtained. *See Morgan v. Oklahoma*, No. CIV-19-482-R,

2019 WL 3210600, at *2 (W.D. Okla. May 29, 2019). Absent such authorization, the Court lacks jurisdiction and the Petition must be dismissed.

Finally, Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the court to issue or deny a certificate of appealability when it enters a final order adverse to a petitioner. When, as here, the Court's adverse decision rests on procedural grounds, the Court will not issue a certificate of appealability unless Petitioner shows: “[(1)] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right; and [(2)] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court, upon review, finds that Petitioner cannot make the required showing. Therefore, the Court denies a certificate of appealability.

For the reasons set forth herein, the Petition is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED this 22nd day of September 2022.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE